IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1217 oF 2004

Office Note, Office Memoranda of Coram appearance, Corut's orders or directions and Registrar's Orders:

Court's or Judge's Orders

Mr. P.M. More, for the Petitioner
Mrs. Kiran Bhagalia, for Respondent No.1.

CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.
DATE : 1st March, 2005

P.C.

. We have heard learned Counsel for the petitioner. The Recruitment Rules in force have not been placed before us, but we have a letter of 17th May, 2001 whereby the Deputy Commissioner made requisition from the Employment Exchange setting out that the Educational Qualification required is Degree in Architecture or equivalent Degree from recognised University or passed G.D. Architecture and 3 years experience in similar type or work. Based on that the names were forwarded. In the names which were considered the respondent No.2 has been selected. It is this selection which is the subject matter of challenge in the present Writ Petition by the petitioner, who is working with the Respondent No.1.

2. It is contended on behalf of the petitioner that the respondent No.2 did not have the requisite experience and that for that purpose he points out some anomalies in the experience certificate produced by the Respondent No.2. Considering the experience is of 3 years even if the disputed period is excluded the Respondent No.2 would be having more than 3 years of experience and in the light of that we do not find that this is a fit case for interference in the selection process on that count.

3. It is then submitted that there was a practice that only Draftsmen were being considered. Once there be Rules such practice has to give way to the Rules. That contention is also no available. It is then contended that the Respondent NO.2 was related to one of the members of the Selection Committee. That member has not been made party. Apart from that the Corporation in the reply filed have denied the said contention. There is no rejoinder to the same. That contention also must be rejected.

4. Lastly it is submitted that the petitioner has been working in the said post.

Once the process of selection commenced the candidate selected must occupy the post. The petitioner was not selected. Merely because he holds the post he has no right to the post. For all the aforesaid reasons we find no merits in this petition, which is accordingly rejected.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)